

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

**REPUBLICAN NATIONAL
COMMITTEE; MISSISSIPPI
REPUBLICAN PARTY; JAMES
PERRY; and MATTHEW LAMB**

PLAINTIFFS

VS.

Civil Action No. 1:24-cv-25-LG-RPM

**JUSTIN WETZEL, *in his official
capacity as the clerk and registrar of the
Circuit Court of Harrison County, et al.***

DEFENDANTS

and

**VET VOICE FOUNDATION and
MISSISSIPPI ALLIANCE FOR
RETIRED AMERICANS**

INTERVENOR DEFENDANTS

consolidated with

LIBERTARIAN PARTY OF MISSISSIPPI

PLAINTIFF

VS.

Civil Action No. 1:24-cv-37-LG-RPM

**JUSTIN WETZEL, *in his official
capacity as the clerk and registrar of the
Circuit Court of Harrison County, et al.***

DEFENDANTS

**DEFENDANT SECRETARY OF STATE MICHAEL WATSON'S
MOTION FOR SUMMARY JUDGMENT IN CONSOLIDATED
LIBERTARIAN PARTY CASE**

Defendant Michael Watson, in his official capacity as Secretary of State of Mississippi ("Defendant"), by and through counsel, pursuant to Rule 56, *Federal Rules of Civil Procedure*, files this his motion for summary judgment, and in support thereof would show unto the Court the following:

1. Plaintiff's Complaint should be dismissed because Plaintiff lacks Article III standing, and therefore this Court lacks subject-matter jurisdiction. Alternatively, if this Court finds that it has jurisdiction, Plaintiff's claims nevertheless fail on the merits, and the Court should enter summary judgment for Defendant, thereby disposing of this case in its entirety with prejudice.

2. Plaintiff seeks to enjoin election officials from enforcing Mississippi's mail-in absentee ballot statute, MISS. CODE ANN. § 23-15-637(1)(a), to the extent it permits mail-in absentee ballots—postmarked by Election Day—to be counted if received no more than five business days after Election Day. Plaintiff asserts that the aforementioned statute violates federal election statutes and the First and Fourteenth Amendments, specifically the right to stand for office and the right to vote. Plaintiff does not have Article III standing to bring this lawsuit, and all of its claims fail on the merits.

3. Because Plaintiff lacks standing, this Court lacks subject-matter jurisdiction, and Plaintiff's Complaint should be dismissed without reaching the merits. Even if this Court finds that Plaintiff has standing, its claims nevertheless fail on the merits, and Defendant is entitled to summary judgment.

4. Defendant adopts and incorporates by reference, as if fully and completely set forth herein, the arguments and authorities set forth in the *Memorandum of Authorities in Support of Defendant Secretary of State Michael Watson's Motion for Summary Judgment in Consolidated Libertarian Party Case*, being filed contemporaneously herewith.

5. On the basis of the grounds asserted herein and as further set forth in the aforementioned memorandum of authorities, Plaintiff's Complaint should be dismissed for lack of

standing. Alternatively, there exists no genuine issue of material fact, and the Court should enter summary judgment for Defendant.

6. In further support of his motion, Defendant submits the following:

Exhibit 1 Libertarian Party Bylaws, Convention Special Rules, and Judicial
Committee Rules of Appellate Procedure

WHEREFORE, PREMISES CONSIDERED, Defendant Secretary of State Michael Watson respectfully requests that the Court make and enter its Order dismissing Plaintiff's Complaint in its entirety without prejudice for lack of subject-matter jurisdiction predicated on lack of standing or, alternatively, granting summary judgment to Defendant, thereby disposing of Plaintiff's Complaint in its entirety with prejudice.

THIS the 26th day of March, 2024.

Respectfully submitted,

MICHAEL WATSON, IN HIS OFFICIAL
CAPACITY AS SECRETARY OF STATE OF
MISSISSIPPI, DEFENDANT

By: LYNN FITCH, ATTORNEY GENERAL
STATE OF MISSISSIPPI

By: s/Wilson D. Minor
WILSON D. MINOR (MSB #102663)
Special Assistant Attorney General

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ATTORNEYS FOR DEFENDANT MICHAEL WATSON, IN HIS OFFICIAL CAPACITY AS
SECRETARY OF STATE OF MISSISSIPPI

CERTIFICATE OF SERVICE

I, Wilson D. Minor , Special Assistant Attorney General and one of the attorneys for the above-named State Defendant, do hereby certify that I have this date caused to be filed with the Clerk of the Court a true and correct copy of the above and foregoing via the Court's ECF filing system, which sent notification of such filing to all counsel of record.

THIS the 26th day of March, 2024.

s/Wilson D. Minor
WILSON D. MINOR